

IN THE UNITED STATES DISTRICT  
COURT EASTERN DISTRICT OF  
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by	)	
Personal Representative Mildred Haynes,	)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her	)	
own behalf,	)	
	)	
Plaintiffs,	)	JURY TRIAL DEMANDED
	)	
v.	)	
	)	
CITY OF MILWAUKEE, WISCONSIN	)	
and DOMINIQUE HEAGGAN-BROWN,	)	
	)	
Defendants.	)	

## **EXHIBIT 10**

Brunson Deposition Transcript

David B. Owens  
Danielle Hamilton  
LOEVY & LOEVY  
311 N. Aberdeen St, Third FL  
Chicago, IL 60607  
(312) 243-5900

In the Estate of Sylville K. Smith vs City of Milwaukee, et al.

2:17 cv 862-LA

Transcript of the Testimony of:

**MICHAEL BRUNSON**

October 22, 2018



IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

-----

The ESTATE of SYLVILLE K. SMITH,  
by Personal Representative Mildred  
Haynes, Patrick Smith, and Mildred  
Haynes, on her own behalf,

Plaintiffs,

vs.

Case No. 2:17 cv 862-LA

CITY OF MILWAUKEE, WISCONSIN  
AND DOMINIQUE HEAGGAN-BROWN,

Defendants.

-----

30(b)(6) Deposition of  
ASST. CHIEF OF POLICE MICHAEL BRUNSON

Monday, October 22nd, 2018

1:59 p.m.

at

MILWAUKEE CITY ATTORNEY'S OFFICE  
841 North Broadway, Seventh Floor  
Milwaukee, Wisconsin

Reported by Kealoha A. Schupp, RPR

30(b)(6) deposition of ASST. CHIEF OF  
POLICE MICHAEL BRUNSON, a witness in the  
above-entitled action, taken at the instance of  
the Plaintiffs, pursuant to the Federal Rules of  
Civil Procedure, pursuant to notice, before  
Kealoha A. Schupp, RPR and Notary Public, State of  
Wisconsin, at MILWAUKEE CITY ATTORNEY'S OFFICE,  
841 North Broadway, Seventh Floor, Milwaukee,  
Wisconsin, on the 22nd day of October, 2018,  
commencing at 1:59 p.m. and concluding at  
4:40 p.m.

A P P E A R A N C E S:

LOEVY & LOEVY, by  
Mr. David B. Owens  
Ms. Danielle Hamilton  
311 North Aberdeen Street, Third Floor  
Chicago, Illinois 60607  
Appeared on behalf of Plaintiffs.

MILWAUKEE CITY ATTORNEY'S OFFICE, by  
Ms. Naomi E. Gehling  
841 North Broadway, Seventh Floor  
Milwaukee, Wisconsin 53202  
Appeared on behalf of Defendants.

\*\* I N D E X \*\*

# E X A M I N A T I O N

BY MR. OWENS . . . . . 4

PREVIOUSLY MARKED EXHIBITS

EXHIBIT NO.	PAGE	IDENTIFIED
-------------	------	------------

Exh. 1 Amended Notice 12

Exh. 3 Early Intervention Performance & 58

## Benchmark Changes

Exh. 8 Employee Case File History 38

Exh. 9      8/11/16 Memorandum

Exh. 13 Citizen Complaint Summary 51

# E X H I B I T S

EXHIBIT NO.	PAGE IDENTIFIED
-------------	-----------------

Exh. 3 10/29/13 Meeting Minutes 28

Exh. 4 7/3/14 Memorandum 28

Exh. 5 Use of Force History for Employee 39

Exh. 6 Firearm Force Incidents - Police 75

## Related Shootings of Civilians

Exh. 7 Personnel Investigations SOP 99

(Original exhibits retained by court reporter and

attached to original transcript.)

## REQUESTS

ITEM REQUESTED	PAGE
----------------	------

Audit Criteria 108

## TRANSCRIPT OF PROCEEDINGS

MICHAEL BRUNSON, called as a witness  
herein, having been first duly sworn on oath, was  
examined and testified as follows:

## EXAMINATION

BY MR. OWENS:

Q All right. Sir, would you please state and spell  
your name for the record?

A My name is Michael J. Brunson, Sr., spelled  
M-I-C-H-A-E-L, J is for Jabbar, which is my middle  
name, and then last name is Brunson,  
B-R-U-N-S-O-N, and then senior.

Q Where are you employed?

A City of Milwaukee Police Department.

Q What is your role with the Milwaukee Police  
Department, sir?

A Right now I'm an assistant chief of police. I am  
over the patrol bureau, which is the seven police  
districts; the office of community outreach and  
education; the specialized patrol division, which  
is the motorcycles, tactical enforcement unit, or  
also known as SWAT; and many departments, planning  
and logistics, crash reconstruction unit, and the  
executive protection unit.

Q Did you say "crash reconstruction"?

1 together to review -- basically as a risk  
2 management tool in order to address, you know, any  
3 issues that we saw with officers that use force  
4 more than their peers.

5 Q Okay. So that resulted in standard operating  
6 procedures for early intervention, correct?

7 A Early intervention -- "EIP" is what it was  
8 called -- was established even before 2013.

9 Q Okay.

10 A So that was something that -- so early  
11 intervention kind of went on a separate track than  
12 the -- I guess if you want to say -- and the whole  
13 use of force committee was not thought to be a  
14 disciplinary. It was thought to be a risk  
15 management tool that we used to try to address  
16 risk or potential risk on our department.

17 So the EIP was thought of as an  
18 intervention tool to address any issues that  
19 officers may have. It could have been personal.

20 So it was kind of on a separate  
21 track, to a certain degree.

22 Q All right. So let's try to make sure we're using  
23 the same vocabulary.

24 I believe what you're talking to,  
25 the use of force committee, as a result of that

1 cameras, officers on the outlier list would have  
2 to be the ones who had some, correct?

3 A Yes.

4 Q All right. And then outliers were defined as  
5 members who had use of force incidents that are  
6 standard -- that are at least three standard  
7 deviations above the average number of use of  
8 force incidents department-wide over a six or  
9 one-month period, correct?

10 A Correct.

11 MS. GEHLING: Incorrect. "One-year."  
12 Sorry. You said "six or one-month." It's not --  
13 six-month or one-year.

14 THE WITNESS: Or one-year, yeah.

15 BY MR. OWENS:

16 Q All right. Let's ask it again.

17 A Okay.

18 Q Outliers were defined as department members who  
19 had a certain number of uses of force incidents  
20 that are three standard deviations above the  
21 average number of use of force incidents  
22 department-wide over a six-month or one-month  
23 period, correct?

24 A One-year.

25 Q I did it again.



1 Over a one-year period, correct?

2 A Correct.

3 Q All right. Six-month or one-year period, correct?

4 A Correct.

5 Q All right. And certain types of uses of force  
6 would be eliminated from that?

7 A Yes.

8 Q And so the policy -- the outlier policy was  
9 adopted to reflect this statistically significant  
10 number of three standard deviations above the  
11 average, correct?

12 A Correct.

13 Q And in implementing that sort of statistical  
14 privilege the policy set for individuals who have  
15 three use of force incidents within a number of  
16 days, correct?

17 A Three standard deviations, so whatever that would  
18 be. You said three, three incidents.

19 So it may fluctuate based on  
20 whatever that standard deviation is.

21 Q Okay.

22 A Or the average of -- the average of the mean.

23 Q Well, I thought that the way this was implemented  
24 was that it generally became the officers who had  
25 three use of force incidents within 90 days. Is